

HOUSE BILL 2888

By Halford

AN ACT to amend Chapter 38 of the Private Acts of 1985; as amended by Chapter 191 of the Private Acts of 1986; Chapter 121 of the Private Acts of 2000; as amended by Chapter 1 of the Private Acts of 2003; and any other acts amendatory thereto, relative to the charter for the City of Bradford.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Article 1, Section 1 of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting the section and substituting the following:

Section 1. Incorporation, Name, and General Powers. The City of Bradford, in Gibson County, Tennessee, and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and name of "City of Bradford", and shall have perpetual succession; and by this corporate name and style may sue and be sued, plead and implead, contract and be contracted with, grant, receive, purchase, and hold real estate, mixed property, and personal property, or dispose of same for the benefit of said city, and shall have and use a corporate or official seal.

SECTION 2. Article II, Section 1 of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting subparagraphs (f), (g), (j), and (q) and substituting the following:

(f) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty (20) years. Such franchises and contracts may provide rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by the state or federal agency having jurisdiction in such matters.

(g) To provide for the acquisition, construction, building, operation, and maintenance of: public ways, parks, public grounds, public buildings, sewers, drains, sewage treatment plants, water works, industrial sites and buildings, facilities, and any

other public improvements, inside or outside the city, and to regulate the use thereof.

Property may be purchased, otherwise acquired, or taken under applicable laws.

(j) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(q) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable in city court by fine, penalty, or forfeiture not to exceed fifty dollars (\$50.00) plus costs.

SECTION 3. Article II, Section 1 of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by adding the following as a new subparagraph:

(t) The Board of Mayor and Aldermen may, by two-thirds (2/3) majority vote, appoint a City Administrator who shall be under the control and direction of the Board, and the City Administrator shall report to, and be responsible to, the Board. The Board of Mayor and Aldermen may, by ordinance, require the City Administrator to perform any or all of the following duties:

(1) Make recommendations to the Board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;

(2) Keep the Board fully advised as to the conditions and needs of the municipality;

(3) Report to the Board on the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;

(4) Recommend to the Board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;

(5) Recommend to the Board specific personnel positions as may be required for the needs and operations of the municipality, and propose personnel policies and procedures for the approval of the Board; and

(6) Perform such other duties as may from time to time be designated or required by the Board.

SECTION 4. Article IV, Section 3 of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting the section and substituting the following:

Section 3. Election of Mayor and Aldermen. Each elector shall be entitled to vote for one (1) candidate for Mayor for a term of four (4) years.

Aldermen shall serve for six-year staggered terms. Each elector shall be entitled to vote for two (2) candidates for Alderman in each biennial election. In case of a tie vote for the office of Mayor or Alderman, the incumbent Board shall decide which of said candidates shall serve. The Mayor and each Alderman shall be eligible for re-election.

The terms of office of Mayor and Aldermen shall begin the first regular City board meeting following certification of election results, and they shall serve until their successors have been elected and qualified. No informality shall invalidate such an election, providing it is conducted fairly and in substantial conformity with the requirements of this Charter and the general election laws of the state.

SECTION 5. Article IV, Section 6 of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting the section and substituting the following:

Section 6. Salaries. The salaries of the Mayor and Aldermen shall be set by ordinance; provided, no ordinance shall take effect until new terms of office begin following adoption of the ordinance. They shall also be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

SECTION 6. Article IV, Sections 9, 10, and 11 of Chapter 38 of the Private Acts of 1985, as amended by Chapter 191 of the Private Acts of 1986, Chapter 121 of the Private Acts of 2000, and any other acts amendatory thereto, are amended by deleting the sections and substituting the following:

Section 9. Mayor's Duties. The Mayor shall have a four-year term and shall preside at all meetings of the Board of Mayor and Aldermen and shall have a vote in case of a tie vote of the other members of the Board of Mayor and Aldermen. He or she shall be recognized as the ceremonial head of the city. He or she shall be the officer to accept process against the city, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter. The Mayor shall serve ex-officio on all commissions, boards, and committees, but he or she shall have no vote unless he or she is an official member of a commission, board, or committee.

The Board of Mayor and Aldermen shall elect one (1) of its members Mayor Pro-tempore to serve during the absence of the Mayor. When acting during the Mayor's absence, the Mayor Pro-tempore shall not vote on any measure except in the case of a tie vote of the other members of the Board of Mayor and Aldermen, and he or she shall have and perform the same powers and duties as herein imposed on the Mayor, but only while the Mayor is absent.

Section 10. Vacancies. Vacancy in Office of Mayor or Aldermen. A vacancy shall exist if the Mayor or an Alderman resigns; dies; moves his or her residence from the city; is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter, an election law of the State, or a crime involving moral turpitude; or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his or her office. The Board may by resolution declare a vacancy to exist for any of these reasons, and such finding shall be final.

The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date the resolution is adopted declaring a vacancy in the office of Mayor or

Alderman, appoint a qualified person to fill the vacancy until the next general election. At the next general city election, the offices of Alderman shall be filled in the following manner: Six-year terms shall accrue to the two (2) candidates receiving the highest number of votes and the four-year or two-year unexpired terms shall accrue to the candidate or candidates receiving the next highest number of votes in order to continue the pattern of staggered terms.

In the event the Board of Mayor and Aldermen fail to fill a vacancy in the office of Mayor or Alderman within the thirty-day period, the Mayor or Mayor Pro-tempore shall request the Election commission of Gibson County to call and cause to be held a special election for the purpose of filling the unexpired term of such vacancy.

For the purpose of filling vacancies, in the event more than one (1) vacancy exists in the office of Mayor or Alderman, a quorum shall consist of the majority of the remaining members of the Board of Mayor and Aldermen.

Section 11. City Legislation. Any action of the Board having a regulatory or penal effect, awarding franchises or required to be done by ordinance under this Charter or the general laws of the State, shall be done only by ordinance. Other actions of the Board of Mayor and Aldermen may be accomplished by resolutions or motions. Ordinances and resolutions shall be furnished to each member of the Board at the meeting in which introduced. The enacting clause of ordinances shall be "Be it enacted by the Board of Mayor and Aldermen of the City of Bradford." An affirmative vote of the majority of present members of the Board of Mayor and Aldermen shall be necessary for the passage of any ordinance or the appropriation of money. Every ordinance must be approved on two (2) readings and there shall be no more than one (1) reading on any one (1) day. An ordinance shall become effective after its final reading unless its terms provide a later effective date.

The Board shall have the general and continuing ordinances of the City assembled into an official code of the City, a copy of which shall be kept current and up to date by the City Recorder and shall be available to the public.

SECTION 7. Article VII, Section 3 of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting the section and substituting the following:

Section 3. Direction and Supervision of Departments, Offices, or Agencies. All departments, offices, and agencies of the City shall be under the direction and supervision of the Mayor, subject to the ordinances and policies enacted by the Board of Mayor and Aldermen, unless a City Administrator is appointed by the Board and the Board delegates such authority to the City Administrator by ordinance.

SECTION 8. Article VIII, Section 3 of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting the section and substituting the following:

Section 3. Mayor Required to Prepare and Submit Annual Budget and Explanatory Message. At least thirty (30) days before the beginning of the fiscal year, the Mayor shall prepare and submit to the Board of Mayor and Aldermen a budget for the ensuing fiscal year and an accompanying message. The Mayor's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the city's debt position; and include such other material as the Mayor deems appropriate. The Board of Mayor and Aldermen may by ordinance delegate these duties to a City Administrator.

SECTION 9. Article VIII, Sections 6, 7, 8, and 10 of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, are amended by deleting the sections and substituting the following:

Section 6. Supplemental Appropriations. If, during the fiscal year, the Mayor or City Administrator certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Board of Mayor and Aldermen may make supplemental appropriations for the year up to the amount of such excess.

Section 7. Deficits. If, at any time during the fiscal year, it appears probable to the Mayor or City Administrator that the revenues available will be insufficient to meet the amount appropriated, the Mayor or City Administrator shall report to the Board of Mayor and Aldermen without delay, indicating the estimated amount of the deficit, any remedial action taken by the Mayor or City Administrator, and his or her recommendations as to any other steps to be taken. The Board of Mayor and Aldermen shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may reduce appropriations.

Section 8. Transfer of Unencumbered Appropriations. At any time during the fiscal year, the Mayor or City Administrator may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the Mayor or City Administrator, the Board may transfer part or all of any unencumbered appropriation balance from one (1) department, office, or agency to another.

Section 10. Incurrence and Discharge of Obligations. No payment shall be made or obligation incurred against any appropriation unless the Mayor, City Administrator, or an officer designated by him or her first certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure.

However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

SECTION 10. Article IX, Section 4 of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting the section and substituting the following:

Section 4. Institution of Suits to Enforce Tax Liens. Before March 1 of the second year following the year for which assessed, the Mayor shall certify to the City Attorney the list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes and assessments, and said Attorney shall proceed at once to file suits in State Court for the collection of the taxes, assessments, penalties, and interest and enforcement of tax liens, as provided by the State general laws.

SECTION 11. Article X of Chapter 38 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting the article and substituting the following:

ARTICLE X

CITY COURT

Section 1. Appointment, Oath, and Compensation of City Judge. A City Judge who shall constitute the City Court shall be appointed by the Board of Mayor and Aldermen to serve at the will of the Board or for a term to be fixed by ordinance. The City Judge shall be a licensed attorney. He or she shall take the same oath required of the Mayor and Aldermen. He or she shall receive such compensation as may be provided by ordinance.

Section 2. Duties and Powers of City Judge. The City Judge shall try all persons charged with violation of the ordinances of the City. He or she shall have the power to levy fines, penalties, and forfeitures not exceeding fifty dollars (\$50.00) for each offense

and to impose such costs as the Board may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt by fine, consistent with State general laws.

Section 3. City Judge to be Exclusive Judge of Law and Facts. The City Judge shall be the exclusive judge of the law and facts in every case before him or her, and no official or employee of the city shall attempt to influence his or her decision except through pertinent facts presented in court.

Section 4. Appeals. Appeals shall be in accordance with state law governing the same.

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Bradford. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 12.